

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KAYE SCHOLER LLP
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Lester M. Kirshenbaum (lkirshenbaum@kayescholer.com)

Counsel to Plan Committee of MarketXT Holdings Corp. / Appellee

EMPYREAN INVESTMENT FUND, LP,	:	
EMPYREAN GENERAL PARTNER, LLC, ASH	:	
MASTER FUND II, LLC, ASH MASTER FUND,	:	
LP, ASH FUND, LP, f/k/a ASH CAPITAL	:	
MANAGEMENT, ASH GENERAL PARTNER,	:	
LLC, ASH OFFSHORE FUND, LTD, ASH	:	
GENERAL PARTNER OFFSHORE, LTD, et al.	:	
Appellants	:	Docket No. 08-cv-06935
v.	:	
ALAN NISSELSON AND OFFICIAL	:	
COMMITTEE OF UNSECURED CREDITORS,	:	
Appellees	:	

NOTICE OF APPEARANCE OF COUNSEL

PLEASE TAKE NOTICE, that the undersigned hereby appears as counsel for the Appellees, as of the date hereof and requests service of all notices and documents herein upon:

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Dated: New York, New York
August 18, 2008

Respectfully submitted,
KAYE SCHOLER LLP

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Attorneys for the Plan Committee/Appellee

Certificate of Service

I, Willie Nunez, hereby certify that on this the 18th day of August 2008, I caused a true copy of the foregoing *Notice of Appearance*, to be served electronically upon all parties with ECF for this matter.

/s/ Willie Nunez
Willie Nunez